

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22965 of 2013

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Rabindra Rai, Son of Late Rajbanshi Rai, Resident of Village- Rai Dhurwa,
Post Office- Bettiah Dih, Police Station- Manua Pul, Distirct West
Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Government of Bihar, New Secretariat,
Patna
3. The District Education officer, West Champaran at Bettiah, Post Office +
Police Station- Bettiah, District West Champaran
4. The District Programme Officer (Establishment), West Champaran at
Bettiah, Post Office + Police Station- Bettiah, District West Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Shyama Kant Singh
Mr. Rakesh Kumar No.1

For the Respondent/s : Mr. Amar Nath Deo, SC 26

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

2 09-01-2015 Petitioner joined the State of Bihar as an Assistant Teacher on 11.2.2012. He superannuated on 31.7.2013. It is one of those ironical cases where petitioner became a beneficiary of a decision of Hon'ble Supreme Court at the fag end of his life and was allowed to work for about 17 months under the State of Bihar as an Assistant Teacher. Petitioner should have been more than happy that at least he got a taste of what a government service feels like. But then since human greed has no limits and a hope never dies, petitioner has filed the present writ application for a direction that he should be given pension after superannuation.

Counsel for the petitioner submits that from the principles decided in D.S.Nakra's case he has a right of equality.

Since he was a government servant, he is also entitled to pension.

This Court fails to understand as to how the case of D.S.Nakra comes into play in the present factual matrix and dispute as well as relief prayed for by the petitioner. There is neither any observation in the various orders passed by the Hon'ble Supreme Court nor is there any rules, policy or declaration of the State Government that even if a person has rendered a couple of months of service, he will be entitled to pensionary benefits. If this is what emerges from the pleadings of the parties to the dispute, obviously the present writ application has been filed for taking a chance rather than assertion of his legal right.

Such speculative kind of litigation is required to be discouraged and only option left for the Court is to dismiss the writ application.

By omission, a counter affidavit of yet another case, which is the case of Manoj Kumar Rajak with writ number of the present writ application, has been filed. Office is directed to return the said counter affidavit to the State counsel after taking an endorsement.

(Ajay Kumar Tripathi, J)

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